

## **REMARKS**

### ***Overview***

In the Office Action under reply, claims 1-31 are pending. Claims 1-3, 5, 7-12, 15, 17-19, 21, 24, and 29-31 stand rejected under 35 U.S.C. §102(b) as anticipated by Japanese published application 60-42411 to Koishi et al., while the remaining claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zampini et al. (WO 02/21216) in view of Koishi et al. The rejections are addressed in part by the amendments presented herein and are otherwise traversed for at least the reasons set forth below.

### ***Claim Amendments***

By the amendments made herein, claims 1, 15, 23 and 24 have been amended to specify that when R<sup>5</sup> is C<sub>1-12</sub> alkyl, at least one of R<sup>4</sup>, R<sup>6</sup> and R<sup>7</sup> is other than hydrogen. Support for this amendment can be found in the original claim language, as well as the specification (see, e.g., paragraph [0035]). No new matter has been added by this amendment.

### ***Rejection under 35 U.S.C § 102(b) over Koishi et al.***

Claims 1-3, 5, 7-12, 15, 17-19, 21, 24, and 29-31 stand rejected under 35 U.S.C § 102(b) as anticipated by Koishi et al. (JP 60-042411 in view of its English language abstract), the Examiner citing a fluorine-containing polymer comprised of at least two monomeric units. Applicants respectfully traverse this rejection. By the amendments made herein, the claims require that when R<sup>5</sup> is C<sub>1-12</sub> alkyl, at least one of R<sup>4</sup>, R<sup>6</sup> and R<sup>7</sup> is other than hydrogen. Koishi et al. provides no examples, nor are any examples suggested, of vinyl ether monomers with the substitution pattern required by the currently prosecuted claims. Specifically, Koishi et al. mentions vinyl ether monomers with a structure CH<sub>2</sub>=C(H)OR', wherein R' is alkyl. Such a monomer, with three hydrogen substituents on the olefin, clearly does not fall within the scope of the claims of the application. For at least this reason, applicants contend that Koishi et al. does not anticipate the currently prosecuted claims, and respectfully request withdrawal of the rejection.

***Rejection under 35 U.S.C. § 103(a) over Zampini et al. in view of Koishi et al.***

Claims 4, 6, 13, 14, 16, 20, and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zampini et al. (WO 02/21216) in view of Koishi et al., the Examiner citing photoresist compositions. Applicants respectfully traverse this rejection for at least the following reasons.

Zampini et al. is a WIPO publication of a PCT application that does not include the United States as a designated state (see cover page of WO 02/21216). Consequently, and in accordance with MPEP 706.02(f)(1), chart II, Zampini is not available as a reference under 35 U.S.C. § 102(e). Furthermore, the international publication date of Zampini et al. is March 14, 2002, whereas the present application has a filing date of March 4, 2002. Consequently, Zampini et al. is not available as a reference under either 35 U.S.C. § 102(a) or 102(b). Applicants assert that WO 02/21216 to Zampini et al. is not available as a reference upon which a rejection of the current application may be based under any statute.

However, the PCT application WO 02/21216 to Zampini et al. belongs to the patent family that also contains the corresponding US patent application 09/948,903, publication no. 2002/58199, which is now abandoned. Although the rejection over WO 02/21216 is not proper (see discussion above), the Examiner might make a similar rejection over US application 09/948,903. Applicants would traverse a rejection based upon 09/948,903 ("903") for at least the following reasons.

First, as discussed above, a requirement for the second monomer used in preparing the copolymers of the current application is that, when  $R^5$  is  $C_{1-12}$  alkyl, at least one of  $R^4$ ,  $R^6$  and  $R^7$  is other than hydrogen. Koishi et al. neither provides nor suggests any monomers that satisfy this criterion. Furthermore, none of the monomers discussed in '903 satisfy the requirements for the second monomer as stated in the current claims. As with Koishi et al., '903 neither provides nor suggests copolymers that satisfy the requirements of the currently pending claims. The only monomers that are close to those of Koishi are utilized in Group II resists (see, e.g., page 10 of '903), which always include phenolic-type monomers, as well. Indeed, '903 makes no suggestion that Group II resists could be prepared without phenolic-type monomers, as would be necessary in order to provide motivation to use the monomers of Koishi et al. Thus, the combination of these references would not lead one of ordinary skill in the art to devise the monomer

combination that is claimed in the current application. Therefore, one of ordinary skill in the art would not find the copolymers of the current application obvious based on the teachings of '903 in light of Koishi et al.

Second, the Examiner has not established why there would have been a motivation to combine Koishi et al. with the '903 application.

Accordingly, for at least the preceding reasons, '903 in view of Koishi does not render the pending claims obvious, and applicants submit that any rejection over the combination of these references is traversed.

***Conclusion***

Applicants respectfully submit that the present claims are in condition for allowance, and earnestly request a notice of allowance. Should the Examiner have any questions concerning this communication, she is welcome to contact the undersigned at 650-251-7724.

Respectfully submitted,



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